

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

NINTH DAY'S PROCEEDINGS

**Twenty-Ninth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Wednesday, April 16, 2003

The Senate was called to order at 9:00 o'clock A.M., by Hon. Louis Lambert, President Pro Tempore of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fields	Lambert
Adley	Fontenot	Lentini
Bajoie	Gautreaux	Malone
Barham	Hines	Marionneaux
Boissiere	Hollis	Michot
Dardenne	Hoyt	Schedler
Dean	Johnson	Smith
Dupre	Jones, B	Theunissen
Ellington	Jones, CD	
Total—26		

ABSENT

Bean	Holden	Tarver
Cain	Irons	Thomas
Chaisson	McPherson	Ullo
Cravins	Mount	
Heitmeier	Romero	
Total—13		

The President Pro Tempore of the Senate announced there were 26 Senators present and a quorum.

Prayer

The prayer was offered by Rev. Randy Bluth, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Adley, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

Messages from the House

The following Messages from the House were received and read as follows:

**Message from the House
CONCURRING IN
SENATE CONCURRENT RESOLUTIONS**

April 16, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

SENATE CONCURRENT RESOLUTION NO. 40—

BY SENATOR ROMERO

A CONCURRENT RESOLUTION

To commend McIlhenny Company and the president and chief executive officer, Paul McIlhenny, for supportive actions taken to promote America's Wetland Campaign to Save Coastal Louisiana

Reported without amendments.

SENATE CONCURRENT RESOLUTION NO. 41—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To proclaim April 15, 2003 as Equal Pay Day.

Reported without amendments.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Privilege Report of the
Legislative Bureau**

April 16, 2003

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication.

HOUSE BILL NO. 449—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 46:236.1(I)(2), relative to child support; to provide for the collection of past due support from federal tax refunds; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
LOUIS LAMBERT
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lambert, the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

April 16, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 618—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 22:1460, relative to insurance agents; to specify the manner in which certain life and health insurance agents may obtain information from applicants; and to provide for related matters.

HOUSE BILL NO. 504—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:1111(I), relative to the work release program; to provide that a person convicted of distribution or possession with intent to distribute certain amounts of cocaine or marijuana may be eligible to participate in the work release program; and to provide for related matters.

HOUSE BILL NO. 505—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:893.1, relative to assignment of inmates to Work Training Facility North; to provide that persons convicted of certain violations of the Uniform Controlled Dangerous Substances Law are eligible for assignment; to repeal obsolete provisions; and to provide for related matters.

HOUSE BILL NO. 508—

BY REPRESENTATIVE MARTINY

AN ACT

To amend and reenact R.S. 15:571.3(D), relative to diminution of sentence for good behavior; to delete provisions which prohibit certain inmates from being eligible to receive a diminution of sentence for good behavior; and to provide for related matters.

HOUSE BILL NO. 853—

BY REPRESENTATIVES FARRAR, R. CARTER, FAUCHEUX, HEATON, AND WELCH

AN ACT

To enact R.S. 13:996.60, relative to judicial expense fund accounts of the various district courts; to permit interest earned on money in other accounts of the district court to be deposited into the judicial expense fund account; to provide for an exception; and to provide for related matters.

HOUSE BILL NO. 923—

BY REPRESENTATIVES HUNTER, WALSWORTH, AND KATZ

AN ACT

To enact R.S. 33:4561.1, relative to naming a civic center theater; to authorize the governing authority in certain municipalities to name a civic center theater in honor of a former living mayor of the municipality; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 942—

BY REPRESENTATIVES DOWNER, CAPELLA, R. CARTER, FAUCHEUX, AND WELCH

AN ACT

To amend and reenact R.S. 14:329.6(E), R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and

(B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X, R.S. 30:2458(A)(9), R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844, and R.S. 49:853(4), to enact R.S. 14:329.6(G), R.S. 29:723(3.1) and (6) and R.S. 29:726(B)(14) and (15), to repeal the existing R.S. 29:7.1, and to redesignate R.S. 29:7.2 as R.S. 29:7.1, relative to military affairs; to provide for the office of homeland security and emergency preparedness; to provide for the redesignation of the office of emergency preparedness as the office of homeland security and emergency preparedness within the Military Department, and to redesignate references in accordance therewith; to redesignate Chapter 6 of Title 29 of the Louisiana Revised Statutes as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" and to include references to homeland security; to provide for the authority and responsibilities of the office; to provide for definitions; to delete certain mandatory reimbursements between political subdivisions during certain emergencies; to provide for the composition of the Military Department; to provide for the activation of the militia during public emergencies; to provide for authority of national guardsmen and military police during certain emergencies, including homeland security purposes; to redesignate parish, local, and interjurisdictional emergency preparedness agencies as homeland security and emergency preparedness agencies; to redesignate references to emergency preparedness agencies within provisions applicable to emergency alert services; to include acts of terrorism as emergencies, disasters for purposes of homeland security and emergency preparedness and the operation of government during interim emergencies; to revise the Southern Regional Emergency Management and Assistance Compact to include provisions for homeland security and emergency preparedness; and to provide for related matters.

HOUSE BILL NO. 968—

BY REPRESENTATIVES ARNOLD AND TUCKER

AN ACT

To amend and reenact R.S. 33:2740.27(D)(introductory paragraph), (1), and (2), relative to the Algiers Development District; to provide relative to the membership of the board of commissioners; to provide relative to the qualifications, appointment, and service of board members; and to provide for related matters.

HOUSE BILL NO. 971—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:2112(A)(1), relative to testing pupils' sight and hearing; to provide for conducting such testing by city, parish, and other local public school boards; to provide guidelines and timelines for such testing; to provide for applicability; to provide for exceptions; and to provide for related matters.

HOUSE BILL NO. 1041—

BY REPRESENTATIVES CAZAYOUX AND BRUCE

AN ACT

To enact R.S. 39:1786(A)(10), relative to the powers of the Louisiana Correctional Facilities Corporation; to authorize the corporation to alienate or sell any properties acquired by the corporation but which have not been used for the purposes of financing and acquisition of correctional facilities for lease to the state of Louisiana; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1209—

BY REPRESENTATIVE CAPELLA
AN ACT

To enact R.S. 22:2034, relative to insurance; to provide for dental referral plans; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1284—

BY REPRESENTATIVES TOOMY, ANSARDI, CAPELLA, DAMICO, LANCASTER, AND MARTINY
AN ACT

To amend and reenact R.S. 13:2562.24(D) and to enact R.S. 13:2562.24(E), relative to the First and Second Parish Courts of Jefferson Parish; to authorize the Jefferson Parish Council and the judges of the courts to provide for a security service charge fee on each filing in the First and Second Parish Courts of Jefferson Parish; to authorize the fee to be used to defray the cost of the purchase, operation, and maintenance of courtroom security devices; to authorize any excess in fees generated to be used to defray the cost of other judicial equipment, facilities, building new facilities, or payment of any bond indebtedness; and to provide for related matters.

HOUSE BILL NO. 1312—

BY REPRESENTATIVES GLOVER, BAYLOR, AND JANE SMITH
AN ACT

To enact R.S. 33:1976, relative to naming certain fire department facilities; to authorize the municipal governing authority in certain municipalities to name the central fire station and related facilities in honor of a former fire chief; to provide limitations; and to provide for related matters.

HOUSE BILL NO. 1383—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact Code of Criminal Procedure Article 279, relative to extradition costs and expenses; to provide that a person's commercial surety shall pay the expenses of extradition; and to provide for related matters.

HOUSE BILL NO. 1368—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:1313(C)(1) and to repeal R.S. 3:1317(4), relative to fertilizer fees; to increase such fees and to provide for their use; and to provide for related matters.

HOUSE BILL NO. 1396—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:3210(C)(5), 3221(A), and 3251, relative to pesticide fees; to provide for increases in various registration, licensing, and certification fees; and to provide for related matters.

HOUSE BILL NO. 1400—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:2305(D), 2307(C), and 2311, relative to apiary fees; to provide for apiary registration and inspection fees; to provide for disposition of such fees; and to provide for related matters.

HOUSE BILL NO. 1499—

BY REPRESENTATIVES PITRE, DURAND, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN
AN ACT

To enact R.S. 3:4617(D) and (E), relative to the labeling of food products; prevents advertisement or sale of certain food products; provides relative to the definition of "cajun"; restricts use of the term "cajun" in advertising certain food products; prohibits deceptive packaging; and to provide for related matters.

HOUSE BILL NO. 1530—

BY REPRESENTATIVES THOMPSON, KENNEY, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, MORRISH, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to cotton; to provide for the holding of referendums to terminate or modify boll weevil assessments; to provide relative to liens on cotton for payment of assessment; and to provide for related matters.

HOUSE BILL NO. 1398—

BY REPRESENTATIVES THOMPSON, HILL, LAFLEUR, MORRISH, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, JACK SMITH, AND STRAIN
AN ACT

To amend and reenact R.S. 3:749(A) and to enact R.S. 3:749(C) and (D), relative to Livestock Brand Commission fees; to increase certain Livestock Brand Commission fees; to authorize the Livestock Brand Commission to charge fees for certain services; to create the Livestock Brand Commission Fund; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

Message from the House

**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

April 16, 2003

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 110—

BY REPRESENTATIVE HAMMETT
A CONCURRENT RESOLUTION

To commend Daryl Daye, head football coach at Nicholls State University, upon being named the 2002 Southland Conference coach of the year.

HOUSE CONCURRENT RESOLUTION NO. 111—

BY REPRESENTATIVE HAMMETT
A CONCURRENT RESOLUTION

To urge and request the Department of Economic Development to review and recommend to the Rural Legislative Task Force legislation that would require certified capital companies to invest in community development corporations and similar entities.

HOUSE CONCURRENT RESOLUTION NO. 113—
BY REPRESENTATIVE SCHNEIDER**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the legislature upon the death of Leonard P. Monteleone, Jr.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Adley asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 110—
BY REPRESENTATIVE HAMMETT**A CONCURRENT RESOLUTION**

To commend Daryl Daye, head football coach at Nicholls State University, upon being named the 2002 Southland Conference coach of the year.

The resolution was read by title. Senator Gautreaux moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Lentini
Barham	Gautreaux	Malone
Boissiere	Hines	Michot
Dardenne	Hollis	Schedler
Dean	Hoyt	Smith
Dupre	Johnson	Theunissen
Ellington	Jones, CD	
Fields	Lambert	
Total—22		

NAYS

Total—0

ABSENT

Mr. President	Heitmeier	Mount
Bajoie	Holden	Romero
Bean	Irons	Tarver
Cain	Jones, B	Thomas
Chaisson	Marionneaux	Ullo
Cravins	McPherson	
Total—17		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 111—
BY REPRESENTATIVE HAMMETT**A CONCURRENT RESOLUTION**

To urge and request the Department of Economic Development to review and recommend to the Rural Legislative Task Force legislation that would require certified capital companies to invest in community development corporations and similar entities.

On motion of Senator Adley, the resolution was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE CONCURRENT RESOLUTION NO. 113—
BY REPRESENTATIVE SCHNEIDER**A CONCURRENT RESOLUTION**

To express the sincere and heartfelt condolences of the legislature upon the death of Leonard P. Monteleone, Jr.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Fontenot	Lambert
Barham	Gautreaux	Lentini
Boissiere	Hines	Malone
Dardenne	Hollis	Michot
Dean	Hoyt	Schedler
Dupre	Johnson	Smith
Ellington	Jones, B	Theunissen
Fields	Jones, CD	
Total—23		

NAYS

Total—0

ABSENT

Mr. President	Heitmeier	Romero
Bajoie	Holden	Tarver
Bean	Irons	Thomas
Cain	Marionneaux	Ullo
Chaisson	McPherson	
Cravins	Mount	
Total—16		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 13—

BY REPRESENTATIVE GALLOT

AN ACT

To enact R.S. 33:1448(K), relative to group insurance for retired sheriffs and deputy sheriffs; to require the sheriff in Claiborne Parish to pay for dental, hospital, surgical, and medical insurance for certain retired sheriffs and deputy sheriffs; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 83—

BY REPRESENTATIVE BRUCE

AN ACT

To enact R.S. 33:9055.1, relative to the DeSoto Parish Ambulance Service District; to provide for an increase in the membership of the board of commissioners of the district; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 133—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 36:801.1(A) and 803(A), R.S. 44:5(A), and R.S. 49:191(13)(c) and 968(B)(1), to enact R.S. 36:4.1(G), and to repeal R.S. 36:4.1(B)(2), relative to economic development; to provide for the transfer of certain licensing agencies; to provide relative to public records; to provide for the termination of certain state entities; to provide for the review of agency rules; to provide for the transfer of the Louisiana State Racing Commission; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE BILL NO. 157—

BY REPRESENTATIVES DOWNER, FUTRELL, CAPELLA, R. CARTER, FAUCHEUX, AND WELCH

AN ACT

To amend and reenact R.S. 29:407(D), relative to the Military Service Relief Act; to provide relative to reinstatement of dependents to group, blanket, or franchise life, health, medical, and accident insurance after release from military service; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 201—

BY REPRESENTATIVE WALKER AND SENATOR HINES

AN ACT

To amend and reenact R.S. 33:130.581(A), 130.582(A)(introductory paragraph) and (5) and (B), and 130.584(A), (B)(introductory paragraph) and (1), (2), (5), (10), (11), and (14), and (C)(2) and to enact R.S. 33:130.582(A)(6), (7), and (8) and 130.584(B)(15), (16), (17), (18), and (19), relative to the Economic Development Board for the Parish of Avoyelles; to increase the membership of the board; to provide relative to the membership of the advisory board to the economic development board; to provide relative to the appointment of advisory board members; to provide relative to the terms of office of the members of such boards; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE BILL NO. 207—

BY REPRESENTATIVE GALLOT

AN ACT

To enact R.S. 33:9103(A)(5), relative to the Lincoln Parish Communications District; to increase the membership of the board of commissioners; to provide relative to the terms of office of the board members; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 230—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 33:1704.1(D), to enact R.S. 13:1883(I), and to repeal R.S. 13:1883(A)(11), relative to the salary of the marshal for the City Court of Natchitoches; to set the salary for the office of marshal; to provide for source of payment of the salary; to provide for receipt and deposit of fees for service of process in civil matters; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 260—

BY REPRESENTATIVE ERDEY

AN ACT

To enact R.S. 15:571.11(C)(5), relative to the disposition of the Criminal Court Fund for the Twenty-First Judicial District; to provide that the accounts comprising the Criminal Court Fund be operated as a single fund; to provide for the yearly transfer of certain surpluses remaining in the fund; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 263—

BY REPRESENTATIVES BALDONE AND DOWNER

AN ACT

To enact R.S. 13:2109.5, relative to the City Court of Houma; to authorize the transfer of surplus funds or unclaimed fees from the court's civil fee account to the court's general operational fund; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 344—

BY REPRESENTATIVE HOPKINS

AN ACT

To amend and reenact R.S. 46:1053(N)(1)(b) and (2)(a) and to repeal R.S. 46:1053(N)(3), relative to the North Caddo Hospital Service District; to provide relative to the board of commissioners of the district; to provide relative to the terms of office of such members; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 366—

BY REPRESENTATIVE BRUCE

AN ACT

To enact R.S. 25:217.1, relative to certain DeSoto Parish library funds; to prohibit diversion of such funds; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 457—

BY REPRESENTATIVES TRICHE, FRITH, AND NEVERS

AN ACT

To enact R.S. 17:154.1(A)(3), relative to minimum requirements for instructional time; to provide for applicability of such requirements to certain public schools and school systems under certain circumstances; to provide for certification by the state superintendent of education relative to such applicability; to provide for rules and regulations adopted by the State Board of Elementary and Secondary Education relative to such applicability; to provide for effectiveness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 568—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 17:7.1(A)(4), relative to the certification of teachers; to provide for certification requirements relative to the teaching of reading for participants in certain alternate teacher education programs; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 569—

BY REPRESENTATIVE CRANE AND SENATOR THEUNISSEN
AN ACT

To amend and reenact R.S. 17:7.1(B), relative to the certification of certain public school administrators; to require, for certification as a principal or superintendent, the passage of an appropriate assessment instrument; to authorize the State Board of Elementary and Secondary Education to select the appropriate assessment instrument for such certification and to determine the level at which the assessment is satisfactorily passed; to provide for effectiveness; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 571—

BY REPRESENTATIVE CRANE
AN ACT

To amend and reenact R.S. 17:7(6)(c)(i), relative to emergency teaching permits; to provide for the renewal of an emergency teaching permit by the state superintendent of education; to provide limitations; to provide an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 631—

BY REPRESENTATIVE CURTIS
AN ACT

To amend and reenact R.S. 33:2740.46(B)(2) and (C), relative to the Alexandria Central Economic Development District; to provide relative to the boundaries of the district; to decrease the membership of the governing board of the district; to provide relative to the appointment, removal, and terms of board members; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

HOUSE BILL NO. 709—

BY REPRESENTATIVES DOWNER, FUTRELL, CAPELLA, R. CARTER, FAUCHEUX, AND WELCH
AN ACT

To amend and reenact R.S. 29:405(A), relative to the Military Service Relief Act; to provide for the payment of compensation of state employees called to active service in the uniformed services; to provide for differential pay; to provide for clarification of uniformed service for payment of supplemental pay; to provide for applicability; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 719—

BY REPRESENTATIVE JOHNS
AN ACT

To enact R.S. 33:4712.8, relative to property owned by the town of Vinton; to provide relative to the disposition of such property; to provide relative to notices and procedures for such dispositions; to provide relative to the contesting of such dispositions; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 728—

BY REPRESENTATIVE HOPKINS
AN ACT

To amend and reenact R.S. 40:1502.10(A), relative to Fire Protection District No. 1 of Caddo Parish; to authorize the governing authority of the district, subject to voter approval, to establish and collect a service charge or rates of service charges; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 752—

BY REPRESENTATIVES CAZAYOUX AND BRUCE
AN ACT

To amend and reenact Code of Criminal Procedure Article 202(A)(introductory paragraph) and to enact Code of Criminal Procedure Article 202(D), relative to arrest warrants; to provide for issuance of the warrant by facsimile transmission; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 755—

BY REPRESENTATIVE KENNARD
AN ACT

To enact R.S. 40:1472.10(A)(9), relative to the regulation of explosives; to provide for additional grounds for denial, revocation, or suspension of certain explosives licenses; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 767—

BY REPRESENTATIVE BOWLER
AN ACT

To amend and reenact R.S. 22:15(B)(1)(c), (e), (g), (o), (p), (q), and (r) and (2)(a)(iv), (vi), (vii), and (xvi) and (b)(vii) and (x), and (c)(vii), (x), and (xi), to enact R.S. 22:15(B)(1)(t) and (2)(a)(xvii), (b)(xi) and (xii), and (c)(xii) and (xiii), and to repeal R.S. 22:15(B)(1)(b) and (2)(a)(iii), relative to the Louisiana Property and Casualty Insurance Commission; to provide for membership; to provide for designees; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 768—

BY REPRESENTATIVES DIEZ, BAUDOUIN, BRUCE, DEVILLIER, DOWNS, FRITH, FRUGE, HUDSON, ILES, KENNEY, MORRISH, JACK SMITH, AND STRAIN
AN ACT

To enact Subpart E of Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4671, relative to sugar mill scales; to require sugar mills to lock out their scales in certain situations; to prohibit compensation for excess weight; to provide relative to certain requirements of the Department of Agriculture and Forestry; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Agriculture.

HOUSE BILL NO. 779—

BY REPRESENTATIVES DEWITT, BRUNEAU, AND LANCASTER
AN ACT

To amend and reenact R.S. 24:35.5(A)(11), (12), (13), (19), (20), (21), (62), (72), (73), (74), (75), (77), (82), (89), (91), (93), (94), (95), (96), (97), (98), (99), (100), and (101) and (B) as enacted by Act No. 3 of the Second Extraordinary Session of 2001, to

provide with respect to the composition of House of Representative Districts 11, 12, 13, 19, 20, 21, 62, 72, 73, 74, 75, 77, 82, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, and 101, all to legislatively adopt, approve, and ratify the agreement of the parties in *The Louisiana House of Representatives, et al. v. John Ashcroft, et al.*, CA No. 1:02CV00062 (United States District Court for the District of Columbia) to secure a consent declaratory judgment in said matter; to provide for effective dates; and to generally and specifically and otherwise provide with respect thereto.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 1211—

BY REPRESENTATIVES BRUNEAU, DOWNER, AND MURRAY
AN ACT

To amend and reenact R.S. 18:31(C), 103(A), 104(A)(15) and (16), 110(B)(1), 111(B), 154(C), 401.1(C) and (D)(1), 423(H), 425(A)(1)(b) and (2), 435(A)(1), 463(A)(2), 552(B), 553(B)(4), 563, 564(C), 574(A)(2), 576(B) and (C), 1259(B)(1) and (4), 1284(F)(1), 1286(A), 1299.1(A), 1300.2(C)(2), 1300.3(B), 1306(A)(3), 1307(C), and 1354(C), to enact R.S. 18:18.1, 110(B)(3), 401.1(G), 401.2, 552(C), and 1309(E)(4) and (5), and to repeal R.S. 18:425(A)(3) and R.S. 36:742.1, relative to the Election Code; to make technical changes to the Election Code; to prohibit the commissioner of elections and certain unclassified civil service employees from engaging in political activities; to provide relative to the name a woman may use to register to vote; to provide relative to charges for preparation of lists of voter registration information; to provide relative to form and signature requirements on applications to register to vote; to provide for procedures in circumstances of election emergency; to provide for transmission of certain voter registration data where necessary for verification purposes; to provide relative to a designee attending a board of election supervisors meeting; to provide for filing a list of watchers to be present at the precinct; to provide relative to the certification of a candidate in the notice of candidacy; to provide for the secretary of state to issue information as necessary under the Help America Vote Act; to provide for the definition of casting a vote; to provide for procedures for assisted voting; to provide relative to the transmission of election results to the secretary of state by the clerks of court; to provide relative to the format of ballots and statements of propositions and the manner of marking on a ballot; to provide relative to recall petitions and written requests to delete or add from such petitions; to provide relative to mail applications to vote absentee by mail; to provide for procedures for when a voter fails to activate the cast ballot mechanism; to prohibit a parish custodian from appointing a candidate or his family member from serving at certain polling places; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 1226—

BY REPRESENTATIVE THOMPSON AND SENATOR SMITH
AN ACT

To amend and reenact R.S. 3:264(B)(introductory paragraph), 266(19), 314(C), 414, 446.5(G), 543(C), 544(B)(5), 1604(A)(3), 3391.5(A), and 4402(A), R.S. 15:1153(B)(2)(d), and R.S. 49:327.1(N), 327.2(P), and 968(B)(18), relative to the House and Senate agriculture committees; to change various statutes to provide for the House and Senate Committees on Agriculture, Forestry, Aquaculture and Rural Development; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 1227—

BY REPRESENTATIVE BOWLER

AN ACT

To amend and reenact R.S. 9:315.40(2) and R.S. 46:236.3(A)(1), to enact R.S. 46:236.1.1 through 236.1.10, and to repeal R.S. 46:236.1, relative to child support programs; to provide for definitions; to provide for the responsibilities of the department; to provide for the promulgation of rules; to provide for the authority of the secretary; to provide for a financial institution data match system; to provide for the disclosure of records; to provide limitations of liability; to authorize consumer reporting; to direct the Louisiana State Law Institute to place the provisions of Part II of Chapter 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:231 through 261, into new Subparts A, B, and C and to amend the headings of Subparts B and C; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 1351—

BY REPRESENTATIVES LAFLEUR AND MURRAY

AN ACT

To amend and reenact R.S. 14:95(H), relative to the crime of illegal carrying of weapons; to include the district attorney and his designated assistant district attorneys and the attorney general and his designated assistant attorneys general in the list of officials who may carry a concealed handgun when certified by the Council on Peace Officer Standards and Training; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1444—

BY REPRESENTATIVES HEBERT AND CAPELLA

AN ACT

To amend and reenact R.S. 22:844.3, relative to the loaning of securities by domestic insurers; to provide for market value; to provide for custodian; to provide for collateral; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Insurance.

HOUSE BILL NO. 1592—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 9:2800, relative to ownership of improvements on state land; provides for ownership when the owner of the improvements no longer has the right to keep them on state land; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

Senate Bills and Joint Resolutions on Second Reading Reported by Committees

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 26—

BY SENATOR THEUNISSEN

AN ACT

To amend and reenact R.S. 29:253(A)(1)(b) and (2), relative to the Veterans Affairs Commission; to provide for the nomination, appointments, and terms of office of the members thereof; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 32—
BY SENATOR DUPRE

AN ACT

To enact R.S. 38:291(U)(2)(d), relative to the Terrebonne Levee and Conservation District; to provide for the membership of the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 33—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:291(P)(2) and 304(B) and to enact R.S. 38:291(P)(4), relative to the South Lafourche Levee District; to provide for membership of the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 34—
BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 38:291(T)(2) and 304(B) and to enact R.S. 38:291(T)(4), relative to the North Lafourche Conservation, Levee and Drainage District; to provide for membership of the board of commissioners; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 53—
BY SENATOR FIELDS

AN ACT

To amend and reenact R.S. 32:866(A)(3), relative to compulsory motor vehicle liability; to provide an exception to the limitation of recoverable damages; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 55—
BY SENATOR FIELDS

AN ACT

To enact R.S. 22:636.1(L), relative to automobile insurance; to prohibit insurers from canceling automobile insurance under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 55 by Senator Fields

AMENDMENT NO. 1

On page 1, line 11, delete "or refuse to renew"

AMENDMENT NO. 2

On page 1, line 13, delete "or claims"

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 56—
BY SENATOR FIELDS

AN ACT

To enact R.S. 22:652.5, relative to automobile insurance; to prohibit use of credit information in determining whether to refuse to issue or renew, to increase premiums, or cancel coverage on a policy; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 56 by Senator Fields

AMENDMENT NO. 1

On page 1, delete lines 11 through 15 and insert the following:

A. The purpose of this Section is to regulate the use of credit information for personal insurance, to afford consumers certain protections with the use of this information.

B. The provisions of this Section shall only apply to personal insurance. As used in this Section, the term "personal insurance" shall mean private passenger automobile, motorcycle, homeowners', mobile-homeowners', non-commercial dwelling fire insurance policies, boat, personal watercraft, snowmobile, and recreational vehicle policies. The policies must be individually underwritten for personal, family or household use.

C. As used in this Section, the following definitions shall apply:

(1) "Adverse action" means a denial or cancellation of, an increase or reduction in charge, or any other adverse or unfavorable change in the terms or amount of coverage of any insurance, existing or applied for, in connection with the underwriting of personal insurance.

(2) "Affiliate" means any company that controls, is controlled by, or is under common control of another company.

(3) "Applicant" means an individual who has applied for personal insurance coverage with an insurer.

(4) "Consumer" means an insured or applicant whose credit information is used or insurance score is calculated in the underwriting or rating of a personal insurance policy.

(5) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other consumer information for the purpose of furnishing consumer reports to third parties.

(6) "Credit information" means any credit-related information derived from a credit report or provided on an application for personal insurance. Information that is not credit-related shall not be considered "credit information," regardless of whether it is contained in a credit report or application, or is used to calculate an insurance score.

(7) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency having bearing on a consumer's credit worthiness, credit standing, or credit capacity, which is used or expected to be used or collected in whole or in part as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(8) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information used to predict the future insurance loss exposure of an individual applicant or insured.

D. An insurer authorized to do business in this state who provides for or underwrites personal insurance and uses credit information to underwrite or rate risks, shall not:

(1) Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status, or nationality of the consumer as a factor.

(2) Deny, cancel or nonrenew a policy of personal insurance based solely upon credit information, without consideration of any other applicable underwriting factors independent of credit information and not expressly prohibited in Paragraph (1) of this Subsection.

(3) Calculate an insured's renewal rates for personal insurance based solely upon credit information, without consideration of any other applicable factors independent of credit information.

(4) Take an adverse action against a consumer solely because he or she does not have a credit card account or other credit history, without consideration of any other applicable factors independent of credit information.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(a) Acknowledges the consumer as otherwise approved by the commissioner, if the insurer presents information that such an absence or inability relates to the risk for the insurer.

(b) Acknowledges the consumer as having neutral credit information as defined by the insurer.

(c) Excludes the use of credit information as a factor, using other underwriting criteria.

(6) Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within thirty days from the date the policy is written or renewal is issued.

(7) Use credit information unless not later than every thirty-six months from the date the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. Notwithstanding any other provision of law to the contrary, the following items shall apply to insurer under this Section:

(a) At annual renewal, upon the request of a consumer or the consumer's agent, the insurer shall re-underwrite and re-rate the policy based upon a current credit report or insurance score. An insurer is not required to recalculate the insurance score or obtain the updated credit report of a consumer more than once every twelve months.

(b) The insurer may obtain current credit information upon any renewal at any time, if such action is consistent with its underwriting guidelines.

(c) The insurer is not required to obtain current credit information for an insured, despite the provisions of Subparagraph (a) of this Paragraph, if one of the following applies:

(i) The insurer acknowledges the consumer as otherwise approved by the commissioner.

(ii) The insured is positioned in the most favorably-priced tier of the insurer or group of affiliated insurers. However, the insurer shall have the discretion to order such report, if consistent with its underwriting guidelines.

(iii) Credit was not used for underwriting or rating such insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if consistent with its underwriting guidelines.

(iv) The insurer re-evaluates the insured beginning no later than thirty-six months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

(v) For personal insurance policies in place prior to the effective date of this Act, the insurer must begin re-evaluating renewal policies in compliance with this Subsection no later than thirty-six months from the effective date of this Act, unless otherwise requested in accordance with Subparagraph (a) of this Paragraph.

(8) Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(a) Credit inquiries requested by the consumer for his or her own credit information, or inquiries not initiated by the consumer,

including promotional inquiries, periodic inquiries by existing credit providers, and credit system administration inquiries.

(b) Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

(c) Collection accounts with a medical industry code, if so identified on the consumer's credit report.

(d) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within thirty days of one another, unless only one inquiry is considered.

(e) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within thirty days of one another, unless only one inquiry is considered.

(f) The extension of available credit in excess of the credit deemed reasonable by the insurer, when the consumer has an otherwise acceptable credit history and does not present an increased underwriting or rating risk.

(9) Increase the premium of a renewal policy of personal insurance solely based on credit information, without consideration of any other applicable underwriting factors independent of credit information and not expressly prohibited in Paragraph (1) of Subsection D of this Section.

(10) Create unreasonable disparities between underwriting tier placement between different lines of personal insurance for the same applicant solely based on credit information unless actuarially justified, without consideration of any other applicable underwriting factors independent of credit information and not expressly prohibited in Paragraph (1) of Subsection D of this Section.

E. If it is determined through the dispute resolution process set forth in the federal Fair Credit Reporting Act, 15 U.S.C. §1681i(a)(5), that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall re-underwrite and re-rate the consumer within thirty days of receipt of notice. After re-underwriting or re-rating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines the insured has overpaid the premium, the insurer shall refund to the insured the amount of overpayment.

F. Insurers using credit information to underwrite or rate risks shall a process for the consumer to appeal the underwriting or rating of risks for which credit scoring may be an inappropriate factor.

G. Insurers shall provide reasonable exemptions from the use of credit information in underwriting or rating risks if the consumer can demonstrate that their credit history is unduly influenced by medical crises, death of a spouse, identity theft, the personal guaranty of a business loan, or a catastrophic event as deemed by the commissioner.

H.(1) If an insurer uses credit information in underwriting or rating a consumer, the insurer or its agent shall disclose, either on the insurance application or at the time the insurance application is taken, that it may obtain credit information in connection with the application. This disclosure shall be either written or provided to an applicant in the same medium as the application for insurance.

(2) Use of the following example disclosure statement constitutes compliance with this Section: "In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score."

I. If an insurer takes an adverse action based upon credit information, the insurer shall satisfy the notice requirements of Paragraphs (1) and (2) of this Subsection.

(1) The insurer shall provide written notification to the consumer of any adverse action taken, in accordance with the requirements of the federal Fair Credit Reporting Act, 15 U.S.C. §1681m(a), and of the consumer's right to appeal the underwriting or rating of risks for which the credit scoring was used.

(2) The insurer shall provide notification to the consumer explaining the reason for the adverse action. The reasons must be

provided in sufficiently clear and specific language to assure that the consumer can identify the basis for such action. Such notification shall include a description of up to four factors that were the primary influences of the adverse action. The use of generalized terms such as "poor credit history," "poor credit rating," or "poor insurance score" does not meet the explanation requirements of this Subsection. Standardized credit explanations provided by consumer reporting agencies or other third party vendors are deemed to comply with this Section.

J.(1) Insurers that use insurance related credit scoring systems to underwrite and rate risks must file their insurance scoring models, or other scoring processes, with the department, which may include loss experience justifying the use of credit information. A third party may file insurance scoring models on behalf of insurers.

(2) Any filing relating to credit information is considered a trade secret under R.S. 51:1431, et seq.

K. An insurer shall indemnify, defend, and hold producers harmless from and against all liability, fees, and costs arising out of or relating to the actions, errors, or omissions of a producer who obtains or uses credit information or insurance scores for an insurer, provided the producer follows the procedures established by the insurer and complies with any applicable law or regulation. Nothing in this Section shall be construed to provide a consumer or other insured with a cause of action that does not exist independent of this Section. An insurer or credit information provider shall not require a producer to indemnify or hold them harmless, except to the extent of the producer's negligent failure to comply with procedures established by the insurer or credit information provider. An insurer shall not evaluate or compensate a producer based upon the customer credit scores submitted by the producer. An insurer using credit information for underwriting or rating purposes shall provide appropriate training to its producers.

L.(1) No consumer reporting agency or insurer shall provide or sell data or lists that include any information submitted in conjunction with an insurance inquiry about a consumer's credit information or a request for a credit report or insurance score. This information includes, but is not limited to, the expiration dates of an insurance policy or any other information that may identify time periods during which a consumer's insurance may expire and the terms and conditions of the consumer's insurance coverage.

(2) The restrictions provided in Paragraph (1) of this Subsection shall not apply to data or lists supplied to the insurance producer from whom the information was received, the insurer on whose behalf such producer acted, or such insurer's affiliates or holding companies.

(3) Nothing in this Section shall be construed to restrict any insurer from obtaining a claims history report or a motor vehicle report.

M. If any paragraph, sentence, clause, phrase, or any part of this Section is declared invalid due to an interpretation of or an amendment to the federal Fair Credit Reporting Act, the remaining paragraphs, sentences, clauses, phrases, or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

AMENDMENT NO. 2

On page 2, delete lines 1 through 8

On motion of Senator Boissiere, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 81—

BY SENATOR HOYT

AN ACT

To repeal R.S. 18:402(F)(5), relative to election dates; to eliminate the January and July election dates for bond, tax or other proposition elections; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 104—

BY SENATOR BARHAM

AN ACT

To amend and reenact R.S. 13:3881(A)(2)(d), relative to seizures; to provide for an exemption in bankruptcy proceedings for a motor vehicle valued at fifteen thousand dollars or less; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 104 by Senator Barham

AMENDMENT NO. 1

On page 1, line 4, change "fifteen thousand" to "seven thousand five hundred"

AMENDMENT NO. 2

On page 2, delete lines 1 through 6 and insert the following:

"(d) One **motor vehicle per household, used by the debtor and his family household, with a NADA retail value for the particular year, make and model, not exceeding seven thousand five hundred dollars,** pickup truck with a gross weight of less than three tons, or one motor vehicle, which does not possess any of the characteristics of a luxury automobile as defined under R.S. 39:365(B) which also shall not be a vehicle used solely **The one motor vehicle may be used in exercising a trade, calling or profession or used** for transportation to and from the place at which the debtor earns his livelihood; and "

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 113—

BY SENATOR DUPRE

AN ACT

To enact R.S. 32:414(P), relative to motor vehicles; to provide for the suspension of a driver's license for certain criminal violations; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 113 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 12, after "of" change "twelve" to "six"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 134—
BY SENATOR HOYT

AN ACT

To enact R.S. 9:2781.2, relative to privileges; to provide for enforcement and collection of commissions or fees due a certified real estate appraiser; to provide for a privilege on certain immovable property; to provide for recordation of notice of privilege; to provide for ranking of the privilege; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 134 by Senator Hoyt

AMENDMENT NO. 1

On page 1, line 3, delete "commissions or"

AMENDMENT NO. 2

On page 1, line 10, after "ranking" delete ";

AMENDMENT NO. 3

On page 1, at the end of line 14 delete "commission" and at the beginning of Line 15, delete "or"

AMENDMENT NO. 4

On page 1, line 14, change "37:3391" to "37:3392"

AMENDMENT NO. 5

On page 2, line 2, delete "or acquire an interest in"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 138—
BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 22:2016(A) and to enact R.S. 22:215.24, relative to health insurance; to provide for health insurance coverage for services rendered by registered nurse first assistants; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 171—
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 9:2799(A)(2) and (B)(1), relative to limitation of liability for damages from donated food; to provide for the limitation of liability for damages from donated food for certain designated distributors; to provide that the definition of a "food bank" include distributing edible products to nonprofit agencies that serve seniors; to provide that the definition of a "food bank" include nonprofit agencies that redistribute edible products to the needy, the ill, the handicapped, infants, and seniors, or to individuals or families who otherwise need emergency food assistance; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 178—
BY SENATOR DUPRE

AN ACT

To amend R.S. 14:99, relative to offenses effecting the public safety; to provide relative to reckless operation of a vehicle; to provide relative to the penalties for such offense; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 211—
BY SENATOR BOISSIERE

AN ACT

To enact R.S. 24:802(E), relative to the Louisiana Commission on Intergovernmental Relations; to authorize and provide for the establishment of an executive committee of the commission; to provide for its functions and duties; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 232—
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 40:1299.41(A)(1), (8), and (9), relative to medical malpractice; to provide changes in definitions of certain terms; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 237—
BY SENATOR SCHEDLER

AN ACT

To repeal Chapter 28 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2721 through 2736, relative to Certification of Private Review Agents Performing Utilization Review; to abrogate certification by the Department of Health and Hospitals of such private review agents performing utilization review; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 256—
BY SENATOR DARDENNE

AN ACT

To enact R.S. 42:1159, relative to electronic access to certain information of the Board of Ethics; to require the Board of Ethics to make certain information accessible to the public via the Internet; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 263—
BY SENATOR SCHEDLER

AN ACT

To enact R.S. 49:191(14) and to repeal R.S. 49:191(12)(e); relative to the Department of Health and Hospitals, including provisions to provide for the re-creation of the Department of Health and Hospitals and the statutory entities made a part of the department by law; to provide for the effective termination date

for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 263 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 1, change "2008" to "2009"

AMENDMENT NO. 2

On page 2, line 19, change "2007" to "2008"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 291—

BY SENATOR SMITH AND REPRESENTATIVES FANNIN AND TOWNSEND

AN ACT

To enact R.S. 49:170.8, relative to state symbols; to provide that the annual "Uncle Earl's Hog Dog Trials" held in the city of Winnfield, Louisiana, shall be the official state "Uncle Earl's Hog Dog Trials"; to designate the fourth weekend in March of every year as "Uncle Earl's Hog Dog Trials Weekend" in the state; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 295—

BY SENATOR DARDENNE

AN ACT

To amend and reenact Code of Criminal Procedure Art. 571.1 and 572 and to enact Code of Criminal Procedure Art. 572.1, relative to time limitations of prosecution; to repeal such limitations on certain offenses under certain conditions; to provide for definitions; to provide for retroactive application of provisions; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. On motion of Senator Lentini, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 301—

BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 46:56(F)(7) relative to the confidentiality of client records; to authorize the release of non-identifying medical or genetic information from the department's records to a former foster child or his representative; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 301 by Senator Bajoe

AMENDMENT NO. 1

On page 1, line 2, after "46:56(F)(7)" add a comma

AMENDMENT NO. 2

On page 2, line 1, after "may release" insert ", upon written request,"

AMENDMENT NO. 3

On page 2, line 1, after "information" delete "provided for" and insert "described"

AMENDMENT NO. 4

On page 2, line 2, delete "who has reached the age" and insert "or his legal tutor"

AMENDMENT NO. 5

On page 2, line 3, delete "of majority"

AMENDMENT NO. 6

On page 2, line 10, delete "from a former foster" and insert ", shall release to a former foster child or his legal tutor,"

AMENDMENT NO. 7

On page 2, line 11, delete the entire line.

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 314—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 39:198(D)(3), relative to contracts for fiscal intermediary services in processing claims of health care providers; to provide for modification of the initial term of fiscal intermediary contracts; to provide for the option to extend a fiscal intermediary contract for successive twelve-month terms; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 314 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 8, after "period of" insert "between" and after "~~thirty-six~~" insert "**months and sixty**"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 321—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:2405(C), relative to Peace Officer Standards and Training Law; to provide with respect to peace officer training requirements; to provide that a chief of police who is a full-time peace officer prior to a certain date shall not be required to complete a certified training program approved by the council; and to provide for related matters.

Reported by substitute by the Committee on Judiciary C. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute for SB No. 321 by Senator Lentini)

BY SENATOR LENTINI

AN ACT

To enact R.S. 33:2218.2(C)(8)(d), relative to law enforcement officers; to provide relative to supplemental pay for such persons; to provide for eligibility of certain elected police chiefs to receive such compensation; to provide for an effective date for the initiation of such compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2218.2(C)(8)(d) is hereby enacted to read as follows:

§2218.2. Rate of compensation; prior service; supplemental monthly compensation; police to receive additional compensation

* * *

C. For purposes of this Subpart a municipal or tribal police officer entitled to additional pay out of state funds shall mean and refer to:

* * *

(8) * * *

R.S. 33:2218.2(C)(8)(d) is all proposed new law.

(d) Any person who was sworn in as an elected chief of police of a municipality or tribe after having resigned from a position as a duly commissioned law enforcement officer of a municipality or a tribe, who complied with peace officer training requirements prior to his resignation, and who was a recipient of supplemental pay out of state funds through the authorization of the provisions of R.S. 40:2405(C) prior to his resignation. Such a person shall be entitled to receive supplemental pay out of state funds and shall not be required to complete a peace officer training program, notwithstanding any interruption in service between his resignation as a law enforcement officer and his election to the office of chief of police. The effective date for beginning such supplemental compensation shall be on the date on which such person is sworn into office.

* * *

On motion of Senator Lentini, the committee substitute bill was adopted and becomes Senate Bill No. 1028 by Senator Lentini, substitute for Senate Bill No. 321 by Senator Lentini.

SENATE BILL NO.1028—(Substitute for SB No. 321 by Senator Lentini)

BY SENATOR LENTINI

AN ACT

To enact R.S. 33:2218.2(C)(8)(d), relative to law enforcement officers; to provide relative to supplemental pay for such persons; to provide for eligibility of certain elected police chiefs to receive such compensation; to provide for an effective date for the initiation of such compensation; and to provide for related matters.

The bill was read by title; lies over under the rules.

SENATE BILL NO. 322—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 40:1299.47(G)(4), relative to medical review panels; to provide for certain written reasons to be included in expert opinions rendered by the medical review panel; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 346—

BY SENATORS DARDENNE AND SCHEDLER

AN ACT

To amend and reenact R.S. 15:603(8), (9), (10), and (11), and 609(A), (B), and (C) and the Code of Criminal Procedure Art. 572 and to enact R.S. 15:603(12) and (13) and 609(F), (G), (H), and (I) relative to DNA detection of sexual and violent offenders; to provide relative to the collection of DNA samples from certain offenders; to provide for definitions; to add certain offenses to crimes requiring the collection of such samples; to provide relative to juvenile offenders; to require DNA samples collection of such offenders under certain conditions; to require DNA sample collection after interstate transfer of offenders under certain conditions; to prohibit the invalidation of a database match under certain circumstances; to provide relative to the limitation of the prosecution of noncapital offenses; to

provide for exceptions to such limitations; to require retroactivity of such exceptions; to authorize the use of force under certain circumstances; and to provide for related matters.

Reported favorably by the Committee on Judiciary C. The bill was read by title, ordered engrossed, and recommitted to the Committee on Finance.

SENATE BILL NO. 354—

BY SENATORS MCPHERSON AND CAIN

AN ACT

To enact R.S. 9:2795.1(A)(6)(d) and 2795.3, relative to limitations on liability; to provide for definitions; to provide for immunity from liability for an equine activity sponsor, an equine professional, or other person for injuries or death; to provide for exceptions; to require warning signs; to provide for failure to comply with the warning requirement; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 378—

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 40:2009, relative to facilities participating in the Medicaid Residential Treatment Option; to provide for mandatory accreditation of facilities providing residential supports and services by either Joint Commission on the Accreditation of Health Care Organizations or the Council on the Accreditation of Rehabilitation; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 378 by Senator Schedler

AMENDMENT NO. 1

On page 2, line 3, after "Facilities" insert a comma

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 383—

BY SENATOR SCHEDLER

AN ACT

To amend and reenact Children's Code Article 603(13)(b), relative to children in need of care; to provide for mandatory reporting by a member of the clergy; to provide for a confidential communication exception to the mandatory reporter designation; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 383 by Senator Schedler

AMENDMENT NO. 1

On page 1, lines 2 and 7 change "Article" to "Art."

AMENDMENT NO. 2

On page 1, between lines 9 and 10, insert the following:

"As used in this Title:

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(1) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

(a) * * *

AMENDMENT NO. 3

On page 1, line 10, delete "(1)"

AMENDMENT NO. 4

On page 2, line 10, after "**rabbi**," insert "**duly ordained deacon or**"

AMENDMENT NO. 5

On page 2, line 10, after "**minister**," insert "**Christian Science practitioner**."

AMENDMENT NO. 6

On page 2, line 13, delete "**Evidence Code Article**" to "**Code of Evidence Article**"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 405—

BY SENATOR CHAISSON

AN ACT

To amend and reenact R.S. 14:98(D)(1)(a), (c), and (e) and (E)(1)(a), (c), and (e) and to enact R.S. 15:571.3(C)(6) and (7), relative to operating a vehicle while intoxicated; to increase the length of mandatory imprisonment for third, fourth, and subsequent offenses; to prohibit diminution of sentence for such terms of imprisonment; to change required suspension of sentence to an option of the court; to require additional outpatient substance abuse treatment for such offenders; to authorize the treating physician of such offenders to determine the intensity of such treatment; to authorize the courts to impose immediate sanctions on such offenders during home incarceration; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 405 by Senator Chaisson

AMENDMENT NO. 1

On page 3, line 13, after "**courts**;" delete "**or**"

AMENDMENT NO. 2

On page 3, line 14, after "**court**" insert "**; or, after a hearing, imprisonment for the balance of the original term of the sentence as determined by the court**"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 412—

BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 24:513(I)(1)(c)(i)(aa), relative to audit requirements; to provide that monies received from rural development grants shall not be included in the computation of threshold limits for audit requirements; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 418—

BY SENATOR MCPHERSON

AN ACT

To enact R.S. 40:2402(4) and 2405(F); relative to Peace Officer Standards and Training Law; to provide with respect to peace officer training requirements; to provide for reimbursement of peace officer training by the subsequent hiring governmental entity; to provide for definitions; to provide for time and cost limitations on reimbursement after satisfactory completion of training; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 418 by Senator McPherson

AMENDMENT NO. 1

On page 1, line 5, after "the" delete "subsequent hiring governmental entity" and insert in lieu thereof "peace officer"

AMENDMENT NO. 2

On page 2, line 5, delete "subsequent hiring governmental entities" and insert "peace officer"

AMENDMENT NO. 3

On page 2, line 11, after "Section" delete "must" and insert "may, as a condition of employment, require a newly appointed peace officer to enter into an employment contract for a period of not longer than two (2) years from the date of satisfactory completion of the certified training course and basic firearms training program."

AMENDMENT NO. 4

On page 2, delete line 12 in its entirety

AMENDMENT NO. 5

On page 2, line 13, after "(1)" delete the rest of the line and lines 14 through 27 and insert in lieu thereof the following:

"If a peace officer who has entered into a contract authorized under this Subsection accepts employment as a peace officer with another governmental entity, the peace officer shall reimburse the governmental entity that initially hired the peace officer for the total costs incurred and expended during his or her training program, including the officer's salary paid during the training period.

(2) The amount of reimbursement authorized by this Subsection shall be prorated based upon the percentage of time that the peace officer completed his or her employment contract. The amount of reimbursement authorized by this Subsection after the pro rata amount is calculated shall be reduced by the cost of the training provided by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice."

AMENDMENT NO. 6

On page 3, delete lines 1 through 24

AMENDMENT NO. 7

On page 3, line 25, after "which" and before "paid" insert "initially"

AMENDMENT NO. 8

On page 3, line 27, at the end of the line delete "new employer of the"

AMENDMENT NO. 9

On page 4, delete lines 3 through 9.

On motion of Senator C. Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 419—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 9:2716, relative to contracts; to provide for the terms for continuation of certain contracts; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 419 by Senator McPherson

AMENDMENT NO. 1

On page 1, delete lines 8 through 12, and insert the following:

"A. Notwithstanding any other law to the contrary, no contract, other than a professional service contract, shall contain an automatic renewal clause. Upon expiration of the contract, the contract shall continue on a month-to-month basis under the same terms as the original contract. Either party may terminate such contract at any time. The obligee shall provide written notice to the obligor at least thirty days prior to the completion of the original term. Nothing in this Section shall prohibit a party from entering into a new contract.

B. Any contract entered into or automatically renewed in violation of this Chapter shall be void.

C. The provisions of this Section shall only apply to contracts with a term of six months or longer.

D. The provisions of this Section shall not apply to the Louisiana Rental-Purchase Agreement Act as provided in R.S. 9:3351 through 3362."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 420—
BY SENATOR MCPHERSON

AN ACT

To enact R.S. 22:10, relative to health insurance; to require the Department of Insurance to provide an annual assessment of state and federal health issues relating to a patient's bill of rights; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 440—
BY SENATOR MOUNT

AN ACT

To amend and reenact R.S. 49:1115(A)(4),(9),(10),(15), and (16), and 1119, and to repeal R.S. 49:1115(A)(14), relative to the office of the lieutenant governor; to provide for changes to the SERVE Commission; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 466—
BY SENATOR HOLLIS

AN ACT

To repeal R.S. 6:829, relative to savings and loan association investments; to repeal the restriction on investments in non-liquid assets; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 473—
BY SENATOR HINES

AN ACT

To amend and reenact R.S. 9:391.1(A), relative to children conceived after the death of a parent; to provide that a child conceived after the death of a parent has all of the rights of a child as if the child had been in existence at the time of the death of the parent including the capacity to inherit from the deceased parent; to provide for the Louisiana State Law Institute to draft comments; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 474—
BY SENATOR THOMAS

AN ACT

To amend and reenact R.S. 22:5(9)(b), relative to the payment of professional malpractice or public liability claims by statewide hospital associations; to provide that the payment of claims against hospitals which are members of the association and members of societies of the association shall not be deemed to be insurance; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Boissiere, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 485—
BY SENATOR HOLLIS

AN ACT

To enact R.S. 6:506(E) and 507(D), relative to financial institution branch offices; to provide for leased branch offices; to provide for waiver of certain closure requirements; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 485 by Senator Hollis

AMENDMENT NO. 1

On page 1, line 14 after "with" delete the remainder of the line and insert "R.S. 6:507."

On motion of Senator Hollis, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 486—
BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:714(A), (C), and (F) and 1188(C), relative to officers of savings and loan associations and savings banks; to provide for officers; to provide for election by the board of directors; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 487— BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:231(C), relative to amendments to the articles of incorporation of banks; to provide a procedure for after-the-fact approval of amendments to articles; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 489— BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:937 and 1207, relative to dividends and capital surplus; to revise certain dividend and capital surplus requirements; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 493— BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:822(2)(r), relative to loans and investments by associations; to increase the percentage of assets of associations of which loans entered into by the association may not exceed; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 495— BY SENATOR HOLLIS

AN ACT

To repeal R.S. 6:124.1(B), relative to financial condition statements; to delete certain requirements from financial condition statements regarding community reinvestment ratings; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 496— BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:351(C) and 352.1(A), (B)(introductory paragraph), and (H)(2) and to repeal R.S. 6:352.1(H)(3) and (4), relative to share exchanges; to revise the definition of share exchange procedures between state financial institutions; to require commissioner approval for share exchanges; to require shareholder approval for share exchanges; to eliminate certain filing requirements with the commissioner; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 500— BY SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 28:567(E) and R.S. 40:2103(C), 2116(D), and 2116.32(F)(2), relative to moratoria on the licensing of mental health clinics and centers, long-term care hospital facilities, nursing facilities, and home health agencies; to extend the moratorium through July 1, 2007; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 500 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 3, after "2116.32(F)(2)," insert "and to enact R.S. 40:1300.143(3)(c),"

AMENDMENT NO. 2

On page 1, delete line 6 and insert "2008; to provide for a moratorium on the designation of rural hospitals for the purpose of the Rural Hospital Preservation Act; and to provide for related matters."

AMENDMENT NO. 3

On page 2, line 1, change "**2007**" to "**2008**"

AMENDMENT NO. 4

On page 2, line 18, change "**2007**" to "**2008**"

AMENDMENT NO. 5

On page 3, line 12, change "**2007**" to "**2008**"

AMENDMENT NO. 6

On page 3, line 17, change "**2007**" to "**2008**"

AMENDMENT NO. 7

On page 3, between lines 23 and 24, insert "Section 3. R.S. 40:1300.143(3)(c) is hereby enacted to read as follows:

§1300.143. Definitions

As used in this Part:

	*	*	*
(3)(a)	*	*	*
	*	*	*

R.S. 40:1300.143(3)(c) is all proposed new law.

(c) For purposes of this Section, no hospital shall be designated as a 'rural hospital' that was not downsized to sixty beds by April 15, 2003 and was not so designated prior to July 1, 2003.

* * *

AMENDMENT NO. 8

On page 3, line 24, change "3" to "4"

On motion of Senator Schedler, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 508— BY SENATOR C. JONES

AN ACT

To enact R.S. 15:574.22(G)(4), relative to parole; to provide relative to the Louisiana Risk Review Panel; to provide relative to offenders serving a sentence of life imprisonment; to authorize application of such offenders to the risk review panel under certain conditions; to provide for exceptions; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator C. Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 518—

BY SENATOR C. JONES

AN ACT

To enact R.S. 15:827.1, relative to criminal procedure; to create the reentry preparation program within the Department of Public Safety and Corrections; to require certain personnel at state correctional facilities; to provide for duties of such personnel; to require participation of certain offenders in the reentry preparation program; to require certain instruction areas in such program; to authorize the assistance of public or private organizations for the delivery of such program; to provide relative to distance instruction; to require the promulgation of rules and guidelines; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 518 by Senator C. Jones

AMENDMENT NO. 1

On page 2, line 8, change "provide" to "identify"

AMENDMENT NO. 2

On page 3, line 17, before "domestic" delete "and" and after "issues" delete the period "." and insert in lieu thereof ", and drug treatment and counseling where appropriate."

AMENDMENT NO. 3

On page 3, line 23, delete "or contract with"

AMENDMENT NO. 4

On page 3, line 24, delete "any public or private entity"

On motion of Senator C. Jones, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Finance.

SENATE BILL NO. 623—

BY SENATOR MICHOT

AN ACT

To amend and reenact R.S. 24:772(A), relative to reports to the legislature; to require that e-mail notification of reports be sent to members of the legislature; to require agencies to offer publications in an electronic format; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 634—

BY SENATOR CAIN AND REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 27:353, relative to Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide with respect to definitions; to define an emergency evacuation route; and to provide for related matters.

Reported with amendments by the Committee on Judiciary B.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary B to Original Senate Bill No. 634 by Senator Cain

AMENDMENT NO. 1

On page 2, line 12, after "federal" delete the comma "," and insert "or"

AMENDMENT NO. 2

On page 2, line 12, after "state" delete ", or local"

On motion of Senator C. Jones, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 684—

BY SENATOR ULLO

AN ACT

To enact R.S. 28:53.2(B)(5), relative to civil immunity; to exempt a coroner, his support staff and law enforcement officers from civil liability for forceful entry to secure protective custody; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 684 by Senator Ullo

AMENDMENT NO. 1

On page 1, lines 2 and 7, change "(B)(5)" to "(F)"

AMENDMENT NO. 2

On page 1, delete lines 11 through 13 in their entirety and insert in lieu thereof the following:

"F.(1) If refused or obstructed from admittance, any elected"

AMENDMENT NO. 3

On page 2, line 4, change "(b)" to "(2)"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 685—

BY SENATOR ULLO

AN ACT

To enact R.S. 33:1563(L), relative to civil immunity; to provide for civil immunity for coroner and supporting staff while in the performance of their duties; to require persons or entities alleging improper conduct to show reasonable doubt and proof of conduct which is without rational basis; to provide standards for civil action; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 685 by Senator Ullo

AMENDMENT NO. 1

On page 1, line 5, delete "reasonable doubt" and insert "by clear and convincing evidence"

AMENDMENT NO. 2

On page 2, line 17, delete "beyond a reasonable doubt" and insert "upon a showing of clear and convincing evidence"

AMENDMENT NO. 3

On page 3, line 4, delete "beyond a reasonable doubt" and insert "upon a showing of clear and convincing evidence"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 687—

BY SENATOR ULLO

AN ACT

To repeal R.S. 42:1116.1, relative to elected officials; to repeal the requirement of random drug testing of elected officials; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 689—

BY SENATOR ULLO

AN ACT

To enact R.S. 49:191(13) and to repeal R.S. 49:191(12)(g), relative to the Department of Civil Service, including provisions to provide for the re-creation of the Department of State Civil Service and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 690—

BY SENATOR ULLO

AN ACT

To enact R.S. 49:191(13) and to repeal R.S. 49:191(12)(f), relative to the Department of State, including provisions to provide for the re-creation of the Department of State and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 691—

BY SENATOR ULLO

AN ACT

To enact R.S. 37:1737, relative to immunity from liability; to exempt from liability those engaged in certain "Amber Alert" activities; to provide immunity to state and local law enforcement, radio, television and cable operators, the Lottery Corporation and those associations and foundations engaged in the "Amber Alert" effort; and to provide for related matters.

Reported favorably by the Committee on Judiciary A. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 694—

BY SENATOR ULLO

AN ACT

To enact R.S. 18:1483(7)(f), relative to candidates for school board and parish council; to provide that candidates for school board and parish council be designated as district offices in a parish with a population less than four hundred fifty thousand and greater than four hundred thousand; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 696—

BY SENATOR ULLO

AN ACT

To enact R.S. 18:1483(7)(f), relative to the office of marshals; to provide that regardless of the population of the district all marshals for city courts, for purposes of campaign finance laws, be defined as district offices; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 698—

BY SENATOR ULLO

AN ACT

To enact R.S. 40:2009.20(D), relative to abuse and neglect laws; to require hospitals to display laws which require mandatory reporting instances of abuse and neglect; to provide for such requirement to be permanently displayed in emergency rooms; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. SB 699 by Senator Ullo

AMENDMENT NO. 1

On page 2, line 13, after "report" delete "and"

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 718—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 6:217(B) and (C), 232(C), 352.1(H)(4), 361(B)(2), 364.1(B), 365.1(A)(4), 366(E), 367(B)(7), 706(D), (E), and (F), 721(C)(4), (D), and (F), 862, 863(B), 868(E), 938(C), 1273(C), and 1284(5), relative to financial institution filing requirements; to eliminate document filing requirements with the secretary of state; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. On motion of Senator Hollis, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 739—

BY SENATOR SCHEDLER

AN ACT

To enact R.S. 9:2793.3, relative to limitation of liability; to provide for a limitation of liability for physicians rendering certain gratuitous emergency services; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 739 by Senator Schedler

AMENDMENT NO. 1

On page 1, line 7, change "\$2793." to "\$2793.3"

AMENDMENT NO. 2

On page 2, line 9, after "shall" insert "not"

AMENDMENT NO. 3

On page 2, line 10, after "shall" delete "not"

AMENDMENT NO. 4

On page 2, line 12, delete "individual, nor shall it" and insert "physician and it shall"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 746—
BY SENATOR SMITH

AN ACT

To amend and reenact R.S. 24:513(A)(2) and (I)(1)(a) and R.S. 38:322, all relative to audit reports of state agencies, departments, boards and commissions included in the Comprehensive Annual Financial Report; to prescribe the audit requirements of certain state entities; to provide an effective date; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs. On motion of Senator Johnson, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 748—
BY SENATOR HAINKEL

AN ACT

To amend and reenact R.S. 40:2010.8(D)(1) and 2010.9(A) and (B) and to enact R.S. 40:2010.9(C), relative to nursing homes and health care facilities; to provide for a residents' personal right of action; to provide that a resident may assert a cause of action for injunctive relief; to provide that attorney fees cannot be recovered in a tort or contract action; to provide for a prescription period to bring such actions; to provide a preemptive period; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 748 by Senator Hainkel

AMENDMENT NO. 1

On page 1, line 4, change "residents" to "resident's"

AMENDMENT NO. 2

On page 2, line 13, change "residents" to "resident's"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 750—
BY SENATOR LENTINI

AN ACT

To enact R.S. 46:1078, relative to hospital service districts; to permit hospital service districts to employ, appoint, hire, or contract with persons that will negotiate rates, payment terms and other provisions of agreements with health insurance organizations and share payment, rate information and other information for and on behalf of hospital service districts singly or as a group; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 758—
BY SENATOR CRAVINS

AN ACT

To enact R.S. 14:35.3, relative to offenses against the person; to create the crime of domestic abuse battery; to provide for definitions; to provide for criminal penalties; to provide for additional penalties when a minor child twelve years or younger is present during the commission of a domestic abuse battery; and to provide for related matters.

Reported with amendments by the Committee on Judiciary C.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 758 by Senator Cravins

AMENDMENT NO. 1

On page 1, line 2, after "35.3" insert "and 143(C)(18)"

AMENDMENT NO. 2

On page 1, line 6, after "battery;" insert "to provide relative to the inclusion of convictions under other laws in determinations of the existence of prior convictions;"

AMENDMENT NO. 3

On page 1, line 8, change "is" to "and 143(C)(18) are"

AMENDMENT NO. 4

On page 4, line 10, after "Section" insert "or a conviction under the laws of any state or an ordinance of a municipality, town, or similar political subdivision of another state, which prohibits the intentional use of force or violence committed by one household member upon another household member of the opposite sex presently or formerly living in the same residence with the defendant as spouse, whether married or not"

AMENDMENT NO. 5

On page 5, after line 7, insert the following:

* * *

§143. Preemption of state law; exceptions

* * *

C. The offense defined in the ordinance shall be comparable to one of the following state laws:

* * *

R.S. 14:143(C)(18) is all proposed new law.
(18) R.S. 14:35.3 (domestic abuse battery).

* * *

On motion of Senator Lentini, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 797—
BY SENATOR BAJOE

AN ACT

To enact Children's Code Article 603.1, relative to abuse of children; to provide for mandatory reporters; to provide for certain educational requirements for teacher certification; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 797 by Senator Bajoe

AMENDMENT NO. 1

On page 1, lines 2 and 7, change "Article" to "Art."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 798—
BY SENATOR BAJOE

AN ACT

To amend and reenact R.S. 37:1358(B), relative to acupuncturists; to revise certain employment and supervision requirements for acupuncturist's assistants; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. On motion of Senator Schedler, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 968—
BY SENATOR B. JONES

AN ACT

To amend and reenact R.S. 46:153(H), relative to Medicaid assistance and estate recovery; to provide for retention of the Department of Health and Hospitals assignment of rights; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 968 by Senator B. Jones

AMENDMENT NO. 1

On page 1, line 2, change "amend and reenact" to "enact"

AMENDMENT NO. 2

On page 1, line 15, after "provision of", insert "Subsection E of this Section, or"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 995—
BY SENATOR CRAVINS

AN ACT

To amend and reenact Code of Criminal Procedure Art. 900(A)(5) relative to probation; to provide for revocation of probation; to provide for service of suspended sentence; to limit such incarceration for certain violations; and to provide for related matters.

Reported favorably by the Committee on Judiciary B. On motion of Senator C. Jones, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 1009—
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 13:2095.2(A), and to enact Code of Criminal Procedure Art. 887(I), relative to the marshal of the city court of Pineville; to provide for the collection of fees in all criminal and traffic matters; to authorize the marshal to collect an additional fee from convicted persons as reimbursement for costs expended in executing warrants; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1009 by Senator McPherson

AMENDMENT NO. 1

On page 12, line 24, change "Paragraph" to "Subparagraph"

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 1016—

BY SENATOR DUPRE AND REPRESENTATIVES DARTEZ AND DOWNER

AN ACT

To enact R.S. 13:1910.1, relative to city court judicial building funds; to authorize a service charge to be collected by the City Court of Houma and the Terrebonne Parish Consolidated Government; to provide for exclusive dedication of all monies collected; and to provide for related matters.

Reported with amendments by the Committee on Judiciary A.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 1016 by Senator Dupre

AMENDMENT NO. 1

On page 1, line 10, after "Houma" delete the comma"," and insert a semicolon ";."

AMENDMENT NO. 2

On page 2, after line 18, insert the following:

"G. Notwithstanding any other law to the contrary, the additional service charge imposed by this Section shall expire upon the expiration of any bond or obligation issued or sold pursuant to this Section."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

Rules Suspended

Senator Fields asked for and obtained a suspension of the rules for the purpose of taking up at this time.

**Introduction of
Senate Concurrent Resolutions**

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 42—
BY SENATOR FIELDS

A CONCURRENT RESOLUTION

To express sympathy and condolences of the legislature to the family of Earnestine Kinchen.

The resolution was read by title. Senator Fields moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Adley
Bajoie
Barham

Fields
Fontenot
Gautreaux

Lentini
Malone
Marionneaux

Boissiere	Hines	Michot
Dardenne	Hollis	Schedler
Dean	Hoyt	Smith
Dupre	Johnson	Theunissen
Ellington	Lambert	
Total—23		

NAYS

Total—0

ABSENT

Mr. President	Holden	Romero
Bean	Irons	Tarver
Cain	Jones, B	Thomas
Chaisson	Jones, CD	Ullo
Cravins	McPherson	
Heitmeier	Mount	
Total—16		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Recess

On motion of Senator Adley, the Senate took a recess until 11:30 o'clock A.M.

After Recess

The Senate was called to order at 11:30 o'clock A.M. by the President of the Senate.

ROLL CALL

The roll being called, the following members answered to their names:

PRESENT

Mr. President	Fields	Lentini
Adley	Gautreaux	Malone
Bajoie	Hines	Marionneaux
Barham	Holden	McPherson
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Theunissen
Dupre	Jones, CD	
Ellington	Lambert	
Total—31		

ABSENT

Bean	Heitmeier	Thomas
Chaisson	Michot	Ullo
Fontenot	Tarver	
Total—8		

The President of the Senate announced there were 31 Senators present and a quorum.

Senate Business Resumed

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Bills and Joint Resolutions

Senator Adley asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 1029—

BY SENATOR HOLLIS

AN ACT

To amend and reenact R.S. 51:2452(A), 2453(1)(b)(i), and 2453(4), relative to the quality jobs program; to provide that out-of-state employees relocating to Louisiana qualify as "new direct jobs" under the "Louisiana Quality Jobs Program Act"; to provide for technical and grammatical changes and for an effective date; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Commerce, Consumer Protection and International Affairs.

SENATE BILL NO. 1030—

BY SENATOR MARIONNEAUX

AN ACT

To amend and reenact Civil Code Art. 2315.2(A), relative to wrongful death actions; to provide for a surviving brother and sister to have the same rights as a surviving spouse and child or children; to provide for retroactive application; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary A.

SENATE BILL NO. 1031—

BY SENATOR ROMERO

AN ACT

To amend and reenact R.S. 40:2403(H) and to enact R.S. 14:67.16(G) and R.S. 44:3(G), relative to crimes of misappropriation without violence; to provide relative to the crime of identity theft; to provide relative to the investigation of an allegation of such crime; to require such investigation under certain circumstances; to require training of police officers relative to such crime; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Judiciary C.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Introduction of Senate Concurrent Resolutions

Senator Adley asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Concurrent Resolutions a first and second time and acting upon them as follows:

SENATE CONCURRENT RESOLUTION NO. 43—

BY SENATOR GAUTREAUX

A CONCURRENT RESOLUTION

To urge and request the state and its agencies to discontinue any and all contractual arrangements with, and withhold any and all funding, to the New Orleans Saints.

On motion of Senator Lambert, the resolution was read by title and referred to the Committee on Finance.

Rules Suspended

Senator Cain asked for and obtained a suspension of the rules for the purpose of advancing to the order of

**Senate Bills and Joint Resolutions on
Third Reading and Final Passage,
Subject to Call**

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Cain asked that Senate Bill No. 21 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 21—

BY SENATOR CAIN AND REPRESENTATIVE ILES
AN ACT

To amend and reenact R.S. 47:302.5, 322.19, and 332.3, relative to the Vernon Parish Community Improvement Fund; to provide for the appropriation, administration, distribution, and use of money in the fund; and to provide for related matters.

The bill was read by title. Senator Cain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Gautreaux	Lentini
Adley	Hines	Malone
Bajoie	Hollis	Marionneaux
Barham	Hoyt	Mount
Boissiere	Irons	Romero
Cain	Johnson	Schedler
Dardenne	Jones, B	Smith
Dean	Jones, CD	Theunissen
Dupre	Lambert	
Total—26		

NAYS

Total—0

ABSENT

Bean	Fontenot	Tarver
Chaisson	Heitmeier	Thomas
Cravins	Holden	Ullo
Ellington	McPherson	
Fields	Michot	
Total—13		

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senate Resolutions
on Second Reading
Reported by Committees**

The following Senate Resolutions reported by Committees were taken up and acted upon as follows:

SENATE RESOLUTION NO. 9—

BY SENATOR SMITH

A RESOLUTION

To amend and readopt Senate Rule Nos. 13.1(A)(1), and (G), and 13.4(1) and (13) of the Rules of Order of the Senate to establish the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development; to provide for the jurisdiction of the committee; and to provide for related matters.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. On motion of Senator Smith, the Senate Resolution was adopted.

**Senate Concurrent Resolutions
on Second Reading
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 6—

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request development of an ongoing association between the state of Louisiana and the province of Alberta, Canada.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. Senator Schedler moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Gautreaux	Malone
Bajoie	Hines	Mount
Barham	Hollis	Romero
Boissiere	Hoyt	Schedler
Cain	Irons	Smith
Dardenne	Johnson	Theunissen
Dean	Jones, B	
Dupre	Lambert	
Total—25		

NAYS

Total—0

ABSENT

Bean	Heitmeier	Michot
Chaisson	Holden	Tarver
Cravins	Jones, CD	Thomas
Fields	Marionneaux	Ullo
Fontenot	McPherson	
Total—14		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

SENATE CONCURRENT RESOLUTION NO. 22—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to appropriate for and expedite funding of state and local homeland security activities.

Reported favorably by the Committee on Senate and Governmental Affairs.

The resolution was read by title. Senator Hainkel moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Gautreaux	Malone
Bajoie	Hines	Marionneaux
Barham	Hollis	Michot
Boissiere	Hoyt	Mount
Cain	Irons	Romero
Dardenne	Johnson	Schedler
Dean	Jones, B	Smith
Dupre	Lambert	Theunissen
Total—27		

NAYS

Total—0

ABSENT

Bean	Fontenot	McPherson
Chaisson	Heitmeier	Tarver
Cravins	Holden	Thomas
Fields	Jones, CD	Ullo
Total—12		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Rules Suspended

Senator Ellington asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call

The following Senate Bills and Joint Resolutions on third reading and final passage, subject to call, were taken up and acted upon as follows:

Called from the Calendar

Senator Ellington asked that Senate Bill No. 838 be called from the Calendar at this time for its final passage.

SENATE BILL NO. 838—

BY SENATORS ELLINGTON, BARHAM, GAUTREAUX, HINES, SMITH, THEUNISSEN AND THOMAS

AN ACT

To amend and reenact R.S. 3:1614(C) and 1617(A) and to enact R.S. 3:1614(D), relative to agricultural assessments; to provide for certain referendum involving boll weevil assessments; and to provide for related matters.

Floor Amendments Sent Up

Senator Lambert sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Lambert on behalf of the Legislative Bureau to Engrossed Senate Bill No. 838 by Senator Ellington

AMENDMENT NO. 1

On page 1, line 4, before "involving" change "referendum" to "referendums"

On motion of Senator Lambert, the amendments were adopted.

The bill was read by title. Senator Ellington moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lambert
Adley	Gautreaux	Lentini
Bajoie	Hines	Malone
Barham	Hollis	Marionneaux
Boissiere	Hoyt	Mount
Cain	Irons	Romero
Dardenne	Johnson	Schedler
Dean	Jones, B	Smith
Dupre	Jones, CD	Theunissen
Total—27		

NAYS

Total—0

ABSENT

Bean	Fontenot	Michot
Chaisson	Heitmeier	Tarver
Cravins	Holden	Thomas
Fields	McPherson	Ullo
Total—12		

The Chair declared the amended bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Bagneris Rule

Senator Boissiere moved to suspend the rules to pass over controversial Senate and House Bills on Third Reading and Final Passage temporarily with the intention of taking them up later, in their regular order.

Without objection, so ordered.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of taking up at this time.

Senate Bills and Joint Resolutions on Third Reading and Final Passage

The following Senate Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

SENATE BILL NO. 31— BY SENATOR DUPRE

AN ACT

To amend and reenact R.S. 34:1651(F), relative to the Greater Lafourche Port Commission; to provide for compensation of the members of the commission; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Hines	Lentini
Bajoie	Holden	Malone
Barham	Hollis	Marionneaux
Boissiere	Hoyt	Mount
Cain	Irons	Romero
Cravins	Johnson	Smith
Dardenne	Jones, B	Theunissen
Dupre	Jones, CD	
Ellington	Lambert	
Total—25		

NAYS

Dean
Total—1

ABSENT

Mr. President	Gautreaux	Tarver
Bean	Heitmeier	Thomas
Chaisson	McPherson	Ullo
Fields	Michot	
Fontenot	Schedler	
Total—13		

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 38—

BY SENATORS IRONS, BARHAM, BOISSIERE, CAIN, CRAVINS, DARDENNE, DUPRE, GAUTREAU, HOLDEN, HOLLIS, MICHOT, MOUNT, THEUNISSEN, ULLO AND HOYT AND REPRESENTATIVES E. ALEXANDER, BALDONE, BRUCE, K. CARTER, CRANE, CROWE, ERDEY, FAUCHEUX, FLAVIN, GALLOT, HUDSON, HUTTER, L. JACKSON, KATZ, LEBLANC, MURRAY, ODINET, PEYCHAUD, POWELL, QUEZAIRE, SCHNEIDER, JACK SMITH, TOOMY, TOWNSEND, WELCH, BAUDOIN AND M. JACKSON

AN ACT

To amend and reenact R.S. 17:274(B), relative to required courses of study; to require the free enterprise curriculum to include instruction in personal finance beginning with the 2004-2005 school year; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Gautreaux	Lentini
Bajoie	Hines	Malone
Barham	Holden	Marionneaux
Boissiere	Hollis	Mount
Cain	Hoyt	Romero

Cravins
Dardenne
Dean
Dupre
Ellington
Total—28

Irons
Johnson
Jones, B
Jones, CD
Lambert

Schedler
Smith
Theunissen

NAYS

Total—0

ABSENT

Mr. President
Bean
Chaisson
Fields
Total—11

Fontenot
Heitmeier
McPherson
Michot

Tarver
Thomas
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 78— BY SENATOR DARDENNE

AN ACT

To amend and reenact R.S. 2:135.1 (E), relative to airports and landing fields; to redefine the term "fixed base operator"; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lambert
Adley	Gautreaux	Lentini
Bajoie	Hines	Malone
Barham	Holden	Marionneaux
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	
Dupre	Jones, CD	
Total—28		

NAYS

Total—0

ABSENT

Bean
Chaisson
Fields
Fontenot
Total—11

Heitmeier
McPherson
Michot
Tarver

Theunissen
Thomas
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 100—

BY SENATOR CAIN AND REPRESENTATIVE HILL

AN ACT

To designate a portion of Louisiana Highway 110 located in the town of Merryville as the "C.E. Buddy Slaydon Memorial Drive".

The bill was read by title. Senator Cain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Jones, B
Adley	Ellington	Jones, CD
Bajoie	Gautreaux	Lambert
Barham	Hines	Lentini
Boissiere	Holden	Malone
Cain	Hollis	Marionneaux
Cravins	Hoyt	Mount
Dardenne	Irons	Romero
Dean	Johnson	Smith
Total—27		

NAYS

Total—0

ABSENT

Bean	Heitmeier	Tarver
Chaisson	McPherson	Theunissen
Fields	Michot	Thomas
Fontenot	Schedler	Ulló
Total—12		

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 101—

BY SENATOR CAIN AND REPRESENTATIVE HILL
AN ACT

To designate a portion of Louisiana Highway 109 and Highway 389 located in Beauregard Parish as the "Frank Hennigan Memorial Drive".

The bill was read by title. Senator Cain moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lambert
Adley	Gautreaux	Lentini
Bajoie	Hines	Malone
Barham	Holden	Marionneaux
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Cravins	Irons	Smith
Dardenne	Johnson	Theunissen
Dupre	Jones, B	
Ellington	Jones, CD	
Total—28		

NAYS

Dean
Total—1

ABSENT

Bean	McPherson	Thomas
Chaisson	Michot	Ulló
Fontenot	Schedler	
Heitmeier	Tarver	
Total—10		

The Chair declared the bill was passed. The title was read and adopted. Senator Cain moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 144—

BY SENATOR ROMERO

AN ACT

To enact R.S. 47:463.111, relative to motor vehicle license plates; to provide for a special prestige license plate for Junior Golf; to provide for its charge; to provide for the distribution and use of the monies; and to provide for related matters.

The bill was read by title. Senator Romero moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Adley	Gautreaux	Malone
Bajoie	Hines	Marionneaux
Barham	Holden	McPherson
Boissiere	Hollis	Mount
Cain	Hoyt	Romero
Cravins	Irons	Schedler
Dardenne	Johnson	Smith
Dean	Jones, B	Theunissen
Dupre	Jones, CD	
Ellington	Lambert	
Total—31		

NAYS

Total—0

ABSENT

Bean	Heitmeier	Thomas
Chaisson	Michot	Ulló
Fontenot	Tarver	
Total—8		

The Chair declared the bill was passed. The title was read and adopted. Senator Romero moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 172—

BY SENATOR MARIONNEAUX

AN ACT

To designate a certain portion of Louisiana Highway 75 as the Martin Luther King, Jr. Parkway; and to provide for related matters.

The bill was read by title. Senator Marionneaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Lentini
Adley	Gautreaux	Malone
Bajoie	Hines	Marionneaux
Barham	Holden	McPherson
Boissiere	Hollis	Mount
Cain	Irons	Romero
Cravins	Johnson	Schedler
Dardenne	Jones, B	Smith
Dupre	Jones, CD	

Ellington
Total—28

Lambert
NAYS

Dean
Total—1

ABSENT

Bean
Chaisson
Fontenot
Heitmeier
Total—10

Hoyt
Michot
Tarver
Theunissen

Thomas
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Marionneaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

SENATE BILL NO. 210—

BY SENATOR BARHAM AND REPRESENTATIVE MCDONALD
AN ACT

To authorize and empower the Department of Wildlife and Fisheries to sell or exchange or otherwise transfer title to certain property in Ouachita and Morehouse parishes; to provide for the use of proceeds derived from any sale of such property; and to provide for related matters.

The bill was read by title. Senator Barham moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President
Adley
Bajoie
Barham
Boissiere
Cain
Dardenne
Dean
Dupre
Ellington
Total—29

Fields
Gautreaux
Hines
Holden
Hollis
Hoyt
Irons
Johnson
Jones, B
Jones, CD
Lambert
Lentini
Malone
McPherson
Mount
Romero
Schedler
Smith
Theunissen

NAYS

Total—0

ABSENT

Bean
Chaisson
Cravins
Fontenot
Total—10

Heitmeier
Marionneaux
Michot
Tarver

Thomas
Ullo

The Chair declared the bill was passed. The title was read and adopted. Senator Barham moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Rules Suspended

Senator Adley asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Introduction of Senate Bills and Joint Resolutions

Senator Lambert asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Senate Bills and Joint Resolutions a first and second time and referring them to committee.

SENATE BILL NO. 1032—

BY SENATOR MARIONNEAUX

AN ACT

To enact R.S. 42:1123(32), relative to ethics; to provide for exceptions for members of public bodies to engage in certain transactions with such public body; to permit public officials of certain governing authorities and their immediate families and legal entities to make application for the subdivision, resubdivision or zoning of property; to provide for exceptions to be based on population; to require written notice to the Board of Ethics and recusal from voting; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 1033—

BY SENATOR B. JONES

AN ACT

To enact Chapter 5-I of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.61 through 380.66, and R.S. 36:744(T) and 801.13, relative to the Louisiana Military Museum; to establish the museum; to provide for a museum governing board including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; to provide for the transfer of such museum to the Department of State; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

SENATE BILL NO. 1034—

BY SENATOR DEAN

AN ACT

To amend and reenact R.S. 23:302(4),(5),(6),(7), (8) and (9), 332(A)(1) and (2), (B), (C)(1) and (2), (D), (E), (F)(1) and (2), (H)(3) and (4), and R.S. 51:2231(A), 2232(3), 2235(16)(a), 2237(2), 2247, 2248, 2254(1) and (2), 2255(A), 2602(A), 2606(A)(1), (2), (3), (4), and (5), 2607 (A) and (C), and 2608, and to enact R.S. 23:302(4) and (10), 332(H)(5), R.S. 51:2232(14) and (15), 2603 (13) and (14), relative to discrimination; to provide with respect to employment, commerce, and housing; to provide for definitions; to prohibit unlawful discrimination against sexual orientation and gender identity; and to provide for related matters.

On motion of Senator Lambert, the bill was read by title and referred to the Committee on Labor and Industrial Relations.

Leaves of Absence

The following leaves of absence were asked for and granted:

Bean	1 Day	Cain	½ Day
Chaisson	1 Day	Cravins	½ Day
Fontenot	½ Day	Heitmeier	1 Day
Holden	½ Day	Irons	½ Day
McPherson	½ Day	Michot	½ Day
Mount	½ Day	Romero	½ Day

Tarver
Ullo1 Day
1 Day

Thomas

1 Day

Adjournment

Senator Lambert moved that the Senate adjourn until Tuesday, April 22, 2003, at 4:00 o'clock P.M.

The President of the Senate declared the Senate adjourned until 4:00 o'clock P.M. on Tuesday, April 22, 2003.

MICHAEL S. BAER, III
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk